

1 had the opportunity to review the arguments and evidence submitted by the parties on summary
2 judgment, no determination can be made that the issues are so complex as to require an expert to
3 assist the trier of fact. Accordingly, plaintiff's motion for appointment of an expert will be
4 DENIED as premature. This denial is without prejudice to renewal, once defendants' motion for
5 summary judgment has been considered.

6 IT IS SO ORDERED.

7 DATED: 7/28/11


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SMITH et al,

Plaintiff,

v.

WOODFORD et al,

Defendant.

Case Number: CV04-04793 RMW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Floyd Smith K-72700
San Quentin State Prison
San Quentin, CA 94974

Dated: July 29, 2011

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk